



RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 10 2004

Applicant(s):	Harras, <i>et al.</i>	Group Art Unit: 1647
Application No.:	09/703,253	Examiner: R. Landsman
Filed:	10/31/2000	
Title:	Sequences Encoding Human ATP-binding Cassette Transporter Proteins (as Amended)	Atty. Docket No. LEX-0081-USA

**PETITION TO WITHDRAW A HOLDING OF
ABANDONMENT UNDER 37 CFR § 1.181**

Commissioner for Patents
Alexandria, VA 22313

Sir:

Applicants acknowledge the receipt of the Notice of Abandonment mailed on February 4, 2004 (Paper No. 22). At this time, it has become apparent that Applicant's previously filed response was received by the Office, but not correlated with the application and the application has been erroneously held abandoned. As evidence of timely filing and receipt by the Office, Applicants respectfully submit a copy of the return postcard that accompanied the Response mailed on September 18, 2003 and received at the Board of Patent Appeals and Interferences on September 22, 2003 as evidenced by the stamped return receipt (Exhibit A). A copy of Applicants' Appeal Brief has not been included pursuant to a telephone conversation with Examiner Landsman in which it was confirmed that the Brief had been located. In addition, although the Notice cites failure to respond to the Final Office Action mailed 12/28/02, Applicants have also confirmed in a telephone call with the Examiner that the missing document was the Appeal Brief, not the Response to Final which was received by the PTO. Applicants therefore respectfully request a withdrawal of the holding of abandonment for the presently abandoned application in accordance with 37 CFR § 1.181.

Applicants believe no fees are due in association with this Petition to Withdraw a Holding of Abandonment. However, if this is incorrect the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

Respectfully submitted,

February 26, 2004

Date

Lance K. Ishimoto by Peter G. Solerán
Reg No. 41,866

Lance K. Ishimoto

Reg. No. 41,866

Agent for Applicants
LEXICON GENETICS INCORPORATED
(281) 863-3333

Customer # 24231

EXHIBIT A

Commissioner for Patents - Mail Stop Appeal Brief - Patents	
Express Mail No. <u>EV 232149 335 US</u>	
Date Mailed:	<u>9/18/03</u>
U.S. Appl. Ser. No.:	<u>09/703,253</u>
Inventors:	<u>Hanna et al</u>
Title:	<u>Sequences Encoding Human ATP-binding Cassette Transporter Proteins</u>
Attorney Docket No.:	<u>LTX-0081-USA</u>
<input checked="" type="checkbox"/>	Appeal Brief (filed in triplicate) (Exhibits <u>A-R</u>)
<input checked="" type="checkbox"/>	Request for Extension of Time (original and copy)
<input checked="" type="checkbox"/>	Fee Transmittal (original and copy)
<input checked="" type="checkbox"/>	Transmittal Form
<input checked="" type="checkbox"/>	Return postcard
<input type="checkbox"/>	Other: _____

RECEIVED
SEP 29 2003
PCT
Ver...